

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jenelle Slavin	Team: Team # 7	CCRB Case #: 200412058	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/02/2004 12:45 PM	Location of Incident: § 87(2)(b) and § 87(2)(b)	Precinct: 41	18 Mo. SOL 6/2/2006	EO SOL 6/2/2006	
Date/Time CV Reported Sat, 12/04/2004 10:53 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 12/04/2004 10:53 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Patrick Cortright	00000	910420	041 PCT
2. Officers			041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Mccoade	12841	927172	041 PCT
2. POM Juan Fernandez	29089	922335	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Patrick Cortright	Abuse: Lt. Patrick Cortright stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.	§ 87(2)(b)
B.LT Patrick Cortright	Abuse: Lt. Patrick Cortright authorized the search of § 87(2)(b)	§ 87(2)(b)
C.LT Patrick Cortright	Abuse: Lt. Patrick Cortright authorized the search of the car in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.LT Patrick Cortright	Abuse: Lt. Patrick Cortright authorized the arrest of § 87(2)(b)	§ 87(2)(b)
E. Officers	Discourtesy: Officers spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Synopsis

§ 87(2)(b) called the CCRB on December 4, 2004 and reported that on December 2, 2004 around 12:45 p.m., Lt. Patrick Cortright, PO Juan Fernandez and another officer stopped the car in which § 87(2)(b) and § 87(2)(b) were passengers (allegation A). § 87(2)(b) and § 87(2)(b) were told that § 87(2)(b) had been seen in a drug prone area and that the officers wanted them to "give up" the drugs. However, § 87(2)(b) and § 87(2)(b) did not have drugs. Lt. Cortright authorized an officer to search § 87(2)(b) (allegation B). No drugs were found on § 87(2)(b). § 87(2)(b) wanted to prove that he did not have drugs in the car, so he told the officers that they could search the car if they wanted to. Lt. Cortright authorized the search of § 87(2)(b)'s car (allegation C). Nothing was found in § 87(2)(b)'s car. When § 87(2)(b) was asked to present his license, § 87(2)(b) realized that he did not have his license on him. One of the officers ran § 87(2)(b)'s information through the Mobile Digital Terminal inside their department vehicle. When the officer returned he told § 87(2)(b) that his license was suspended. Lt. Cortright authorized § 87(2)(b)'s arrest. This investigation determined that § 87(2)(b)'s license was not really suspended and § 87(2)(b) felt that he was arrested because the officers were angry that they had not found any drugs (allegation D). At the precinct, § 87(2)(b) was searched in lieu of arrest and a gravity knife was found on § 87(2)(b) so he was charged with carrying and illegal knife as well. § 87(2)(b) stated that unidentified officers' cursed at him throughout the entire incident and § 87(2)(b) alleged that one of the officers called her a "fucking liar" (allegation E). § 87(2)(g)

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Summary of Complaint

§ 87(2)(b) called the CCRB on December 4, 2004 at 10:53 a.m. to file this complaint. He was then interviewed at the CCRB on December 6, 2004. When he came to the CCRB, he brought a written statement as well. § 87(2)(g)

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On December 2, 2004, § 87(2)(b) told § 87(2)(b) that her friend § 87(2)(b) had died. Around 12:00 p.m. on that day § 87(2)(b) drove § 87(2)(b) to § 87(2)(b) so that she could give her condolences to the family. § 87(2)(b) was driving a 1982 light green Toyota Tercel. § 87(2)(b) parked and waited in his car while § 87(2)(b) went to speak to the family, because he did not know the family. § 87(2)(b) returned around 12:45 p.m., and they left. About 3 city blocks later, around § 87(2)(b) they were stopped by an unmarked police vehicle with lights and sirens on. § 87(2)(b) stated that he had not broken any traffic laws. Three officers got out of the car. In his original call to the CCRB, § 87(2)(b) stated that the officers refused to provide their names and shield numbers. However, when the undersigned investigator spoke with § 87(2)(b) he said that what he meant was that the officers did not identify themselves to him, but that he never asked them for the information.

PO1, a white male officer, approached the driver's side and PO2, a white male officer, approached the passenger side¹. None of the officers ever told him anything about failing to signal or any other traffic violation. The only reason they gave for stopping him was to look for drugs.

¹ § 87(2)(g)

PO1 asked § 87(2)(b) for his driver's license and registration. § 87(2)(b) had accidentally left his license and registration in a backpack at his house. § 87(2)(b) asked PO1 why he was being pulled over. PO1 told him that he just wanted the drugs and that they could then leave. In § 87(2)(b)'s written statement to the CCRB he stated that PO1 proceeded to tell him to step out of the vehicle and "don't fuck with him." § 87(2)(b) did not state this discourtesy when he made his original complaint on December 4, 2004 or when he was interviewed at the CCRB on December 6, 2004. In a follow up call § 87(2)(b) stated that this discourtesy was used. In both his written statement and in his interview § 87(2)(b) stated that PO1 then said, "stop the bullshit all I want is the drugs," and "Don't bullshit me. That building is a well known drug building so stop." § 87(2)(b) further stated that PO1 said that if § 87(2)(b) would tell him where the drugs were he would let him go and take § 87(2)(b) to jail.

PO2 asked § 87(2)(b) to get out of the vehicle and he walked her to the rear of § 87(2)(b)'s car. § 87(2)(b) told the officers that he did not have anything to hide and that they could search the vehicle. In his written statement to the CCRB § 87(2)(b) stated that PO3 searched his car, however in his statement to the CCRB § 87(2)(b) said that PO1 searched the car by looking under the seats and in the glove compartment. In a follow up call § 87(2)(b) stated that PO1, PO2 and PO3 all looked under the seats in his car and that PO2 also looked in the glove compartment.

PO2 began talking with § 87(2)(b) and he asked § 87(2)(b) to walk further from the car. PO2 repeatedly asked about the drugs and he told § 87(2)(b) that he was tired of the bullshit and that he just wanted to know about the drugs because he thought that § 87(2)(b) was a "junkie." In § 87(2)(b)'s handwritten statement he said that PO2 started using derogatory language such as, "don't fuck with me and you asshole." However, § 87(2)(b) did make this allegation when he made his complaint or when he was interviewed at the CCRB.

PO1 and PO2 then spoke with § 87(2)(b) and PO3 approached § 87(2)(b). PO3 told § 87(2)(b) "don't bullshit us" and that if he did not tell them where the drugs are they would "lock" him up for a suspended license. § 87(2)(b) told him that he did not have a suspended license. PO3 asked him for his name and address. § 87(2)(b) told him that he would like to give his social security number so that there was no confusion with the other 400 § 87(2)(b) § 87(2)(b)s that live in New York. PO3 responded by stating "don't tell me how to do my fucking job and I don't need your fucking social security number."

PO1 and PO2 released § 87(2)(b) and approached § 87(2)(b). In § 87(2)(b)'s written statement he said that PO2 said "you are full of shit and you will go to jail for that bitch." He further wrote that PO2 told PO3 to handcuff him and "let him fuck himself for that bitch." During his interview § 87(2)(b) reiterated that PO2 told PO3 to handcuff him and that PO2 said "you are going to go to jail for that bitch." However, he did not say that PO2 said "you are full of shit" or "let him fuck himself for that bitch." In addition, § 87(2)(b) did not allege any of these discourtesy's when he originally filed the complaint.

PO2 drove § 87(2)(b)'s car, PO1 drove the police car and PO3 sat in the back with § 87(2)(b). While in the car, § 87(2)(b) asked PO3 why he was being arrested and PO3 said to "shut the fuck up." § 87(2)(b) did not make this allegation when he originally filed the complaint.) At the precinct § 87(2)(b) told PO3 that they never searched him and that he had 3 knives. PO3 took the three knives. PO4 looked at the knife and the leather man tool and saw that they were the same lengths. PO4 then said that they would give back the leather man tool and keep the knife. § 87(2)(b) asked PO4 what he was being charged with and PO4 told him that the charges were driving with a suspended license and maybe possession of a knife. PO4 took § 87(2)(b) to the jail cell. In his written statement, § 87(2)(b) said that PO4 told him "that piece of shit car will be parked on the street and the leather man tool, one inch knife and chap stick will be on the glove compartment when you get your stinking shit breath out of jail." When he was interviewed at the CCRB, he did not make the allegation that PO4 used the word shit or the phrase "stinking shit breath." In his written statement he also said that he asked PO4 why his car would be

§ 87(2)(g)

on the street and PO4 said, “shut the shit breath up and don’t fuck with me.” He did not make the allegation of the phrase “shit breath” and “don’t fuck with me” during his interview.

PO4 came to § 87(2)(b) s cell about three hours later and he gave § 87(2)(b) a pink slip receipt for the car keys and once again told § 87(2)(b) about the items in the glove compartment. PO4 then took him to the courthouse. (The rest of the incident was not in § 87(2)(b) s written statement, but was obtained solely during the interview.) § 87(2)(b) s legal aid attorney was § 87(2)(b) § 87(2)(b) told him that the police officers gave him a driving record that showed a suspended license. § 87(2)(b) told him that if he pled guilty to all of the charges he would get to leave that day and that his charges would be reduced from a misdemeanor to a 509 ticket. § 87(2)(b) pled guilty so that he could get out that day. § 87(2)(b) also told § 87(2)(b) that his arresting officer's name was PO Fernandez².

§ 87(2)(b) then went to get a copy of his driving record at the NYC Department of Motor Vehicles. He provided a copy of his record to the undersigned investigator, which showed that his license was not suspended. § 87(2)(b) stated that he was never rude to the officers.

On March 2, 2005, § 87(2)(b) viewed three photo arrays. These arrays included PO Juan Fernandez, Lt. Patrick Cortright and PO Timothy McCoade. These photographs were shown because documents showed that PO Fernandez was the arresting officer and because PO Fernandez stated that he was working with Lt. Cortright and PO McCoade. § 87(2)(b) identified Lt. Cortright as being either PO1 or PO2, he was not sure which one. § 87(2)(b) also identified PO Juan Fernandez. He said that PO Fernandez was PO4. He said that PO Fernandez was not at the arrest location and that the first time he saw PO Fernandez was at the Precinct. Finally, § 87(2)(b) did not identify PO McCoade, who is a male black, and he stated that there was not a black officer on the scene (Enclosure 6A-6H).

Results of Investigation

Civilian Statements

§ 87(2)(b) was interviewed at the CCRB on December 27, 2004. She said that after paying her respects to § 87(2)(b) family, she left with § 87(2)(b) who had been waiting for her. At the intersection of § 87(2)(b) and § 87(2)(b) they were pulled over. Three police officers in plain clothes approached the car. The officers did not identify themselves as officers but § 87(2)(b) knew they were officers because they had stopped the car with lights and sirens and because PO1 and PO Fernandez had stopped her approximately five times before. § 87(2)(b) said that she identified PO Fernandez from seeing him previously on other stops. The first stop was about three years ago. In that stop PO1 took her to the Precinct because she was in a place where a joint was on the floor. The joint was not hers and her case was dismissed. The second, third and fourth stops were in the summer of 2004 and the fifth stop was on October 21, 2004. During the first four stops PO1 and PO Fernandez asked § 87(2)(b) for drugs and searched her. § 87(2)(b) stated that she used to be addicted to heroin, but that she has been clean for three months. She also stated that the officers never found drugs on her during any of the stops. During the fifth stop PO Fernandez gave her a summons for being at an apartment that she did not live at any longer. She identified PO Fernandez from that summons. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(g)

When the officers got to the car, PO1, a white male officer, came to the passenger side of the car and told § 87(2)(b) and § 87(2)(b) that he was stopping them because § 87(2)(b) had been buying drugs. PO1 asked § 87(2)(b) to get out of the car and to put her hands on the trunk. PO1 then returned to the front of the car and he searched the passenger side of the car by opening the glove compartment, lifting up the seat cover and looking under the seat. PO1 did not look in any other part of the car and he did not find any drugs in the car. No other officers looked in the car. PO1 then went to the trunk of the car where § 87(2)(b)

² § 87(2)(g)

§ 87(2)(b) was. PO1 searched § 87(2)(b) PO1 did not frisk her before searching her. Instead he immediately put his hands inside her jacket pockets and searched them. He then searched inside her back jeans pockets and her front jeans pocket. PO1 did not find any drugs. PO1 told § 87(2)(b) that she was a "fucking liar." PO2 came over and asked § 87(2)(b) where the drugs were. § 87(2)(b) told him that she did not have any drugs and PO2 told her to get back in the car.

PO2 told § 87(2)(b) that he was stopping him for "driving out of control." § 87(2)(b) stated that § 87(2)(b) had not been driving recklessly. PO2, a white male officer, asked § 87(2)(b) for his license. § 87(2)(b) did not have it so PO2 went back to the car to check the license. PO2 then told § 87(2)(b) that his license was suspended. § 87(2)(b) denied this. None of the officers searched § 87(2)(b) at the scene. § 87(2)(b) asked PO2 if he could give him his social security number so that he could check again. PO2 told § 87(2)(b) "I don't need your fucking social security number, I just need you to tell me where she has the drugs." PO2 then asked § 87(2)(b) to get out of the car. § 87(2)(b) could not hear the discussion between PO2 and § 87(2)(b) after this because he was away from the car and she was in the car. PO2 handcuffed § 87(2)(b) and told § 87(2)(b) to leave. PO1 told § 87(2)(b) that he was going to take § 87(2)(b) to jail because he "lied to me (PO1) about the drugs."

§ 87(2)(b) told § 87(2)(b) to go to his house, get his license and take it to the Precinct. § 87(2)(b) took a cab home, got the license and took it to the Precinct around 1:00 p.m. that day. She gave the license and registration to PO1.

Three photo arrays were shown to § 87(2)(b) on March 2, 2005. These photo arrays included PO Juan Fernandez, PO McCoade and Lt. Cortright. § 87(2)(b) did not identify any officers (Enclosure 8A-8E).

Officer statements

PO Juan Fernandez's Memobook: "12:00 Present for Duty, 98w/ Lt. Cortright and PO McCoade in RMP 4156; 13:40 1 under in front of § 87(2)(b) 13:48 Arrest process; 00:35 EOT 4:00 OT (Enclosure 11A)"

Criminal Court Complaint Report: PO Juan Fernandez gave the following statement on December 3, 2004. On December 2, 2004 § 87(2)(b) was at § 87(2)(b) and he was charged with criminal possession of a weapon, aggravated unlicensed operation of a motor vehicle and violations of the Vehicle and Traffic Law 509. (VTL section 509 refers to the violation of driving without a license) § 87(2)(b) knowingly and unlawfully possessed a gravity knife and he operated a motor vehicle upon a public highway while knowing that his license was suspended. PO Fernandez obtained and read a teletype printout from the New York Department of Motor Vehicles database, which showed that § 87(2)(b)'s license to operate a motor vehicle was suspended for failure to answer a traffic summons. At § 87(2)(b) § 87(2)(b) PO Fernandez also observed on the defendant's person, in his right front pant's pocket, one gravity knife.

The Complaint Report: The reporting officer was PO Juan Fernandez and the supervisor who approved the arrest was Lt. Patrick Cortright. The narrative on the complaint report states "At TPO obsvd defendant operating a motor vehicle defendant failed to signal upon making a traffic stop defendant failed to produce a valid M.V. License. Upon further investigation defendants license status is suspended. S.I.L.A (Search incident to lawful arrest) recovered a gravity knife." It also states that a canvass was conducted. It stated that there was one victim on the complaint report, however it did not provide any further information.

PO Juan Fernandez was interviewed at the CCRB on January 20, 2005. On December 2, 2004 he was working with Lt. Cortright and PO McCoade and they were assigned to the unmarked four-door car 365. PO Fernandez has worked with Lt. Cortright and PO McCoade for approximately 2 years. On December 2, 2004, they were on routine patrol and they did not have any specific areas they were attempting to target. PO Fernandez was the driver, Lt. Cortright was sitting in the passenger seat and PO McCoade was in the back. PO Fernandez was driving down § 87(2)(b) when he observed a 1992 green Toyota sedan fail to signal. Two times in the beginning of the interview, PO Fernandez stated that the car failed to signal to change lanes. However, later in the interview PO Fernandez stated that the driver of the Toyota failed to signal when he was making a left turn off of Lafayette onto § 87(2)(b) after having stopped at the stop

sign on § 87(2)(b) PO Fernandez stated that both Bryant and Lafayette are single lane roads and that the failure to signal was when he made a turn. PO Fernandez said that he might have been in the area of § 87(2)(b) prior to this because of the close proximity. However, he stated that he had not seen § 87(2)(b) parked at that address. PO Fernandez decided to pull the Toyota over one block from where it had failed to signal. PO Fernandez stopped the Toyota at § 87(2)(b). According to PO Fernandez, this area, specifically § 87(2)(b) is a well-known drug prone location where there are lots of shootings, lots of drugs and prostitution. PO Fernandez has made many arrests in this location before.

PO Fernandez approached the driver's side, Lt. Cortright approached the passenger's side and PO McCoade approached the back of the vehicle and waited at the trunk area. PO Fernandez stated that § 87(2)(b) was alone in the car. PO Fernandez informed the driver that he had stopped the vehicle for a failure to signal at a lane change. The driver did not say anything and PO Fernandez asked the driver to present his license and registration. The driver did not have any of this information. PO Fernandez asked the driver for his name and the driver told him that it was § 87(2)(b) and that his birth date was § 87(2)(b). PO Fernandez returned to the police vehicle and ran § 87(2)(b)'s name and birth date in the computer. The address that came up when PO Fernandez input this information was § 87(2)(b). The license for this person came back suspended. PO Fernandez returned to § 87(2)(b)'s car and asked § 87(2)(b) to step out of the vehicle. PO Fernandez told § 87(2)(b) that his license was suspended and § 87(2)(b) did not have any response and he did not ask PO Fernandez to check again.

PO Fernandez frisked § 87(2)(b) for weapons, and he did not find anything. PO Fernandez stated that the reason for the frisk is that he frisks all individuals before placing them in the vehicle. PO Fernandez placed handcuffs on § 87(2)(b) and escorted him to the police vehicle. Lt. Cortright drove § 87(2)(b)'s car back to the Precinct and PO Fernandez and PO McCoade took § 87(2)(b) back to the precinct. PO Fernandez then took § 87(2)(b) to the precinct to do a further investigation and to run his information again at the precinct. There was only one identity match that came up on the screen. This was the same § 87(2)(b) he had found on the computer previously; the § 87(2)(b) that lived at § 87(2)(b). Again it showed that § 87(2)(b)'s license was suspended. PO Fernandez did a search incidental to arrest and found a gravity knife in his front pants pocket. PO Fernandez stated that he had not found the gravity knife or observed it at the scene. PO Fernandez was then presented with the Criminal Court Complaint that he had signed which was filled out by the DA. On this sheet it stated that "at the above time and place § 87(2)(b) he (PO Fernandez) observed on the defendants person, in his right front pant's pocket, one knife." When asked why he signed a document on December 3, 2004 which said that he observed the knife at the scene if he was stating at the CCRB that he did not observe the knife until they were at the precinct, PO Fernandez stated that he would not answer the question because he did not think that there was an inconsistency. PO Fernandez stated that § 87(2)(b) did not have any other weapons on him or any personal items that he could recall. PO Fernandez searched § 87(2)(b) in front of the front desk. PO Fernandez, however, was the only officer conducting the search and the only officer talking with § 87(2)(b). Neither Lt. Cortright nor PO McCoade were present for the search.

PO Fernandez placed § 87(2)(b) in the holding cell and processed his paper work. § 87(2)(b)'s car was parked in front of the precinct and PO Fernandez secured his vehicle. PO Fernandez stated "rather than road towing it, I did him the favor to park his car outside the street and secure it for him." PO Fernandez stated that the normal process would have been to have the car towed, but instead of doing that PO Fernandez asked § 87(2)(b) if he wanted him to park the vehicle outside and to vouch for his keys. This was doing § 87(2)(b) a favor because when § 87(2)(b) got out of jail he could get his keys and drive off with his car. PO Fernandez stated that the reason he did this was because "he § 87(2)(b) was a gentleman and I (PO Fernandez) treated him like a gentleman." When asked how § 87(2)(b) was a gentleman, PO Fernandez said that § 87(2)(b) never gave him any problems, he was never nasty and he was calm. PO Fernandez said that his car was not searched at any point; not on § 87(2)(b) or at the Precinct.

After § 87(2)(b) made his phone call, a woman came to the precinct with § 87(2)(b)'s license and insurance card. PO Fernandez made a copy of this information and the woman left. § 87(2)(b) did not know the identity of the woman who came. When asked if her name was § 87(2)(b) he stated

that he did not know and when shown a picture of § 87(2)(b) he said that he did not know if it was she because he did not remember the woman that came. He also stated that there were no passengers in the car with § 87(2)(b) and that he did not recognize this woman. The license that the woman brought had the address § 87(2)(b). PO Fernandez asked § 87(2)(b) about the address and § 87(2)(b) stated that he had previously lived at § 87(2)(b). PO Fernandez stated that he never discussed the suspended license with § 87(2)(b) and that he never heard any other officers discuss the suspended license with § 87(2)(b). PO Fernandez stated that he thought § 87(2)(b) accepted the suspended license to be true, because § 87(2)(b) never contested the allegation. PO Fernandez was presented with the DMV record that § 87(2)(b) brought in. PO Fernandez said that the DMV record showed that § 87(2)(b)'s license was valid. PO Fernandez stated that it could have been a computer problem, but that he just followed what the computer showed him. PO Fernandez said that he has never experienced a computer glitch before, but he has heard that it has happened to other officers.

PO Fernandez stated that he had not had any previous interactions with either § 87(2)(b) or § 87(2)(b). PO Fernandez further stated that he never asked § 87(2)(b) about § 87(2)(b) or about drugs. PO Fernandez stated that he never cursed at § 87(2)(b) and he never heard any other officers curse at him. He never cursed at § 87(2)(b) and he never heard any other officers curse at § 87(2)(b) because § 87(2)(b) was not there.

Lt. Patrick Cortright's Memobook: 12:00 on duty; 16:20 Special Operations meeting (Enclosure 9A-9B)

Lt. Cortright was interviewed at the CCRB on March 9, 2005. Lt. Cortright oversees special units within the precinct such as the conditions teams, SNEU team and anti-crime team. However, PO Fernandez and PO McCoade work CPU. Lt. Cortright was working with them on routine patrol doing CPU on December 2, 2004. Lt. Cortright had worked with PO Fernandez and PO McCoade relatively consistently for the year and a half leading up to this incident. During this entire time, PO Fernandez and PO McCoade worked exclusively in CPU. Lt. Cortright did not have any entries in his memobook regarding this incident. He did not have any notations in his memobook for what car he was assigned to or who he was working with either. In addition, he did not recall whether he was in uniform or in plain clothes and he did not know who was driving the car. He stated that it was possible that he was driving because he drives sometimes. He did recall however, that during the car stop of § 87(2)(b) on December 24, 2004 that he was working with PO McCoade and PO Fernandez on routine patrol. No other officers were present for this incident.

Lt. Cortright stated that he recalled stopping § 87(2)(b)'s vehicle for a VTL infraction in front of § 87(2)(b). However, he stated that he did not recall what VTL infraction was violated, which officer noticed that the infraction had been made, when they first noticed § 87(2)(b)'s car or who made the decision to stop the vehicle. Lt. Cortright stated that § 87(2)(b) is a "marijuana set," and drug prone location. However, he stated that they were not looking for drugs that day and that the stop of § 87(2)(b) did not have anything to do with drugs. § 87(2)(b) is a one way street that is primarily residential. Lt. Cortright did recall that § 87(2)(b) was sitting in the passenger's seat. During his interview, Lt. Cortright identified § 87(2)(b) from a photograph as being the woman who was in the car, and he stated that he had seen her before on Spotford Avenue. Spotford Avenue is known for prostitution and he thought that she was a prostitute. However, he stated that he was not sure if she is a prostitute and that he has never arrested her or written her a summons. In addition, he has never been with an officer when they arrested her or wrote her a summons. Lt. Cortright asked § 87(2)(b) if she knew § 87(2)(b)'s name and she said that she did not know his name. § 87(2)(b) then asked if she could leave the scene and Lt. Cortright told her that she could. When asked if it was routine procedure to allow a passenger to leave, Lt. Cortright said "yeah, what reason would I have to keep her there?" § 87(2)(b) was not searched or asked anymore questions. She left the scene by walking away a couple of minutes after the car had been stopped. Lt. Cortright did not know if either PO McCoade or PO Fernandez had any interaction with § 87(2)(b). Lt. Cortright did not recall her coming to the precinct later that day.

Lt. Cortright stated that he approached the passenger's side of the vehicle, however, he did not recall where PO McCoade or PO Fernandez went during the stop. He further stated that he did not speak with § 87(2)(b) when they approached the car and that he did not know which officer did. He stated that it is routine procedure to identify oneself as a police officer and to tell the person why he is being pulled over.

However, he did not have a specific recollection of doing either of these things in this incident. In addition, he did not have a specific recollection of either PO McCoade or PO Fernandez identifying themselves or telling § 87(2)(b) why he was stopped. Lt. Cortright did not know who asked § 87(2)(b) for his license and registration, however, he stated that he did not ask § 87(2)(b) for this information. In addition, he stated that he was sure that the information was run on the computer. He originally stated that he did not know if he was the officer who ran the information. However, he later stated that he did not know who ran the information, but that he was not in the car when the information was run. He stated that an officer, he did not know which one, verbally told him that § 87(2)(b)'s license was suspended. Lt. Cortright did not recall there being any problems running § 87(2)(b)'s information and he did not recall § 87(2)(b)'s response when § 87(2)(b) was told that his license was suspended. When Lt. Cortright was shown the notarized statement from DMV, which showed that § 87(2)(b)'s license was valid, Lt. Cortright stated that it was possible that § 87(2)(b) had multiple licenses or that they received different information when they ran the complaint on the computer. Lt. Cortright decided that § 87(2)(b) would be arrested because of the suspended license. Lt. Cortright stated that it is standard procedure for a perpetrator to be frisked at the scene once they are placed under arrest. Lt. Cortright did not recall who frisked § 87(2)(b) but he stated that he was certain that it was conducted because the gravity knife was recovered at the scene. Lt. Cortright did not recall what the knife looked like and he did not know where on § 87(2)(b)'s body the knife was found. Lt. Cortright stated that it was in his head that the knife was recovered at the scene, but that he did not know any of the details surrounding how it was recovered. Lt. Cortright did not recall who put the handcuffs on and when they were put on.

Lt. Cortright was going to drive § 87(2)(b)'s car back to the precinct so he asked § 87(2)(b) if there was anything in the car such as needles that would hurt him. § 87(2)(b) became angry and in a loud voice told Lt. Cortright that he was in a clinic for Methadone and that he does not do drugs anymore. Lt. Cortright said that § 87(2)(b) "used some choice words" or "abusive language" because he was offended by the question about the needles. However, Lt. Cortright did not recall what those choice words were. Lt. Cortright stated that he responded by telling § 87(2)(b) that he was not asking him if he did drugs but whether their were needles or anything else in the car that would hurt him. Lt. Cortright could not recall where PO Fernandez or PO McCoade were when he had this conversation between him and § 87(2)(b). Lt. Cortright looked into the car around the seat area to ensure that there was nothing dangerous there. However, at the scene he did not look at or search any other part of the car. Neither did either of the other officers. Lt. Cortright drove § 87(2)(b)'s car back to the precinct. Lt. Cortright stated that he may have done an inventory on the car once the car was taken back to the precinct, because he often does inventories on the cars brought in. However, he did not recall doing the inventory in this specific incident.

Lt. Cortright did not recall who processed § 87(2)(b)'s arrest back at the precinct. Lt. Cortright did not notice any civilians other than § 87(2)(b) at the scene. He did not talk with any other civilians and he did not see either PO Fernandez or PO McCoade speaking with any other civilians. When shown the complaint report he stated that he did not know why it said that there was a canvass conducted. He stated that there was no canvass and that it must have been a typographical error.

Lt. Cortright stated that he specifically recalled PO McCoade and PO Fernandez being with him at this car stop. Even though he could not recall what their roles were that day, he had a clear memory of both of them being there. Finally, Lt. Cortright stated that no curse words were ever used by an officer at the scene.

PO McCoade' Memobook: "Thur 12/2/04 tour 12:00x20:35; Assignment 41 Precinct; 12:00 present for duty at the 41 Precinct; 20:35 end of tour" (Enclosure 17A-17B)

PO McCoade was interviewed at the CCRB on February 17, 2005. PO McCoade was assigned to the 41 Precinct. PO McCoade did not have any recollection of that day: he did not recall if he was working with anyone, if he was in a car or what he was doing on that day. He said that at the time his regular partners were PO Fernandez and Lt. Cortright. PO Fernandez is still his regular partner, but Lt. Cortright has moved to the 44th Precinct. PO McCoade stated that he works with PO Fernandez about 85 percent of the time. If he is not working with PO Fernandez then he does administrative functions.

Roll Call

Roll Call shows PO McCoade working CPU for tour 2 beat 7. Tour 3 has PO McCoade assigned to court. PO Fernandez was assigned to CPU beat 6 on tour 3 and Lt. Cortright was assigned to tour 3 from 12:00 to 20:35 (Enclosure 20A-20E).

Summons

A summons was not issued to § 87(2)(b) for the VTL violation.

CCRB and Criminal Histories

Lt. Cortright has never had an allegation substantiated against him.

This is the first complaint that § 87(2)(b) has filed at the CCRB. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) has never filed a complaint at the CCRB. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Incident Location

The map from Map Quest shows that § 87(2)(b) and § 87(2)(b) are one-way streets. In addition, Manager Tarik Brown went to § 87(2)(b) and § 87(2)(b) and confirmed that they are one-lane streets in a residential area (Enclosure 3A-3B).

Conclusions and Recommendations

Credibility Analysis

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Disputed and Undisputed Facts

The following is not disputed. Lt. Cortright and two other officers stopped § 87(2)(b) at § 87(2)(b). One of the officers asked for § 87(2)(b)'s license and registration and § 87(2)(b) did not have his license with him. The officer ran the license on DMV and found that a § 87(2)(b) § 87(2)(b) with birth date § 87(2)(b), had a suspended license. Lt. Cortright decided that § 87(2)(b) should be arrested. Lt. Cortright drove § 87(2)(b)'s vehicle back to the Precinct and § 87(2)(b) returned in the police vehicle. § 87(2)(b) was carrying a gravity knife and was arrested for possession of the knife and for driving with a suspended license. § 87(2)(b) pled guilty. After being released, he went to DMV and requested a copy of his driving record. He presented a notarized copy from DMV showing that his license was not suspended.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A: Lt. Patrick Cortright stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.

In *People v. Robinson*, 97 NY2d 341, 741 NYS2d 147 (2201), the Court of Appeals held that an automobile stop is reasonable when an officer has probable cause to believe that an individual has violated the Vehicle and Traffic Law (Enclosure 1A-1B). § 87(2)(g)

Allegation B: Lt. Patrick Cortright authorized the search of § 87(2)(b)

§ 87(2)(g)

Allegation C: Lt. Patrick Cortright authorized the search of the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation D: Lt. Patrick Cortright authorized the arrest of § 87(2)(b)

Vehicle and Traffic Law code 509 states that a person will not operate a motor vehicle unless he is "duly licensed." (Enclosure 1C-1D) § 87(2)(g)

Allegation E: Officers spoke obscenely and rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Investigator: Date:

Supervisor: Date:

Reviewed by: Date:

Reviewed by: Date: